
Barclays Official
**CALIFORNIA
CODE OF
REGULATIONS**

Title 23. Waters

Division 1.5. Flood Plain Management

Vol. 32



THOMSON REUTERS™

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
425 Market Street • Fourth Floor • San Francisco, CA 94105
800-888-3600

Division 1.5 Flood Plain Management (Department of Water Resources and Reclamation Board)

TABLE OF CONTENTS

		Page			Page
Article 1.	General Provisions	5	§ 221.	Designated Floodway Regulations.	
§ 200.	Purpose of Regulations.		§ 222.	Restrictive Zone Regulations.	
§ 201.	Definitions.		Article 4.	Review of Proposed	
§ 202.	Official Records.			Regulations	6
§ 203.	Filing Fees.		§ 230.	Types of Review.	
Article 2.	Notification of Need for		§ 231.	Priority.	
	Regulations	5	§ 232.	Mandatory Review.	
§ 211.	Purpose of Article.		§ 233.	Voluntary Review.	
§ 212.	Notification.		Article 5.	Studies to Support	
§ 213.	Corps of Engineers' Projects.			Regulations	7
§ 214.	Soil Conservation Service Projects.		§ 240.	Responsibility.	
§ 215.	Flood Plain Regulations.		§ 241.	Studies by the Department or	
§ 216.	Notification of Noncompliance.		§ 242.	Board.	
Article 3.	Types of Regulations	6		Application for Study.	
§ 220.	General.				

Division 1.5 Flood Plain Management (Department of Water Resources and Reclamation Board)

Article 1. General Provisions

§ 200. Purpose of Regulations.

These regulations are adopted as an aid to carrying out the provisions of the Cobey–Alquist Flood Plain Management Act. Recognizing that flood plain regulations are justified only in areas subject to flood hazard, the Department or the Board shall construe neither these regulations nor the Act as requiring restrictions on the use of lands which are not subject to such flood hazard.

NOTE: Authority cited for joint filing of new Chapter 1.5 by Department of Water Resources and Reclamation Board: Section 8415, Water Code. Reference: Sections 8400 et seq., Water Code.

HISTORY

1. New Chapter 1.5 (§§ 200–203, 211–215, 220–222, 230–233, 240–242) filed 5–2–67 by Department of Water Resources and Reclamation Board jointly on 5–2–67; effective thirtieth day thereafter (Register 67, No. 18).

§ 201. Definitions.

As used in these regulations the terms listed below shall have the meanings noted:

- (a) (Reserved)
- (b) (Reserved)
- (c) (Reserved)
- (d) Design Flood. “Design Flood” shall mean the selected flood against which protection is provided, or eventually will be provided, by means of flood protective or control works. When a federal survey has been authorized the design flood will be determined by the appropriate federal agency, and in all other cases, it will be determined by the responsible local agency. It is the basis for design and operation of a particular project after full consideration of flood characteristics, frequencies, and potentials, and economic and other practical considerations.
- (e) Designated Floodway. “Designated floodway” shall mean the channel of the stream and that portion of the adjoining flood plain required to reasonably provide for the construction of a project for passage of the design flood, including the lands necessary for construction of project levees.
- (f) (Reserved)
- (g) Flood Plain. “Flood plain” shall mean the relatively flat area or lowlands adjoining the channel of a river, stream, watercourse, ocean, lake, or other body of standing water, which has been or may be covered by floodwater.
- (h) Adjoining Flood Plain. “Adjoining flood plain” shall mean that portion of the flood plain contiguous to a particular river, stream, watercourse, or other body of water which might reasonably be expected to flood at depths or velocities which could endanger life or where encroachment upon which could significantly restrict the carrying capacity of the floodway under conditions resulting from a design flood. For streams traversing alluvial cones, the “adjoining flood plain” for purposes of these rules and regulations shall be construed to refer only to the existing active stream channel area and the immediately adjoining active overflow area.
- (i) Appropriate Public Agency. “Appropriate public agency,” as that term is used in Water Code Section 8411, shall mean any city, city and county, county, or other public agency organized, existing, and acting pursuant to the laws of this State, which is authorized under the laws of this State to exercise the police power to establish flood plain regulations within its jurisdiction.
- (j) Federal Agency. “Federal agency” shall mean any agency of the Federal Government which is responsible under federal law for construction of a flood control project.

(k) Completion of a Federal Project Report.

(1) A federal project report is considered complete, except for small flood control projects (United States Corps of Engineers) and small watershed projects (United States Soil Conservation Service), when it is transmitted to the Congress of the United States for project authorization.

(2) A report on a small flood control project is considered complete when the final project report is approved by the Chief of Engineers.

(3) A report on a small watershed project is considered complete when the small watershed plan is approved by the State Conservationist of the United States Soil Conservation Service.

(l) Act. “Act” shall mean the Cobey–Alquist Flood Plain Management Act as set forth in Chapter 4 (commencing with Section 8400) of Part 2 of Division 5 of the California Water Code, and any and all amendments made or which may hereafter be made thereto.

HISTORY

1. Amendment of subsections (d) and (l) filed 8–20–74; effective thirtieth day thereafter (Register 74, No. 34).
2. Order of Repeal of subsections (a–c) and (f) filed 6–3–85 by OAL pursuant to Government Code Section 11349.7; effective thirtieth day thereafter (Register 85, No. 26).

§ 202. Official Records.

Official records of the Department or Board may not be taken from the custody thereof, but access thereto and inspection thereof will be permitted during regular office hours and copies will be made and certified as required, the expense thereof to be borne by the person requiring the same.

§ 203. Filing Fees.

HISTORY

1. Order of Repeal filed 6–3–85 by OAL pursuant to Government Code Section 11349.7; effective thirtieth day thereafter (Register 85, No. 26).

Article 2. Notification of Need for Regulations

§ 211. Purpose of Article.

This article outlines the procedure that the Department and the Board will follow to notify public agencies to establish necessary flood plain regulations.

HISTORY

1. Amendment filed 8–20–74; effective thirtieth day thereafter (Register 74, No. 34).

§ 212. Notification.

Public agencies will be notified of prospective requirements for regulations as soon as the Department or Board is informed that a federal agency has initiated a study for flood control. The sequence of notification is described in the following sections.

§ 213. Corps of Engineers’ Projects.

The Corps of Engineers notifies the Department and the Board when it schedules a public hearing to determine local opinion regarding an anticipated flood control study. The Department or the Board will have a representative at the hearing who will explain the Act and possible requirements for flood plain regulations.

(a) If the public hearing demonstrates support for a study, and if the Corps of Engineers decides to proceed and issues a notice of initiation of investigation to all interested agencies, the public agency or agencies will be notified by letter of the existence of the Cobey–Alquist Flood Plain Management Act, and copies of these regulations will be transmitted for their guidance.

(b) When the report of the Corps of Engineers is transmitted to the Congress favorably recommending a project and its authorization, or when the final project report on a small flood control project is approved by the Chief of Engineers, the Department or Board will send a final letter to the public agency. The final letter will advise that necessary regulations must be established within one year if the proposed project is to be

eligible for state financial assistance for the costs of lands, easements, and rights-of-way.

HISTORY

1. Amendment of subsections (a) and (b) filed 8-20-74; effective thirtieth day thereafter (Register 74, No. 34).
2. Order of Repeal of subsection (c) filed 6-3-85 by OAL pursuant to Government Code Section 11349.7; effective thirtieth day thereafter (Register 85, No. 26).

§ 214. Soil Conservation Service Projects.

Applications for planning watershed protection and flood prevention projects (Public Law 83-566 projects) are approved by the State Resource Conservation Commission and the Administrator of the Soil Conservation Service. At the time the State Resource Conservation Commission considers an application, a Department or Board representative will appear to explain the act.

(a) When the Department or Board is informed that the Commission and the Administrator of the Soil Conservation Service have approved a study for planning, the Department or the Board will notify the public agency by letter similar in form to the notification prescribed by Section 213(a) above.

(b) When the final report of the Soil Conservation Service is submitted to the Congress for authorization, or in the instance of a small watershed project, when the plan is approved by the State Conservationist of the Soil Conservation Service, a letter similar in form to the notification prescribed by Section 213(b) above will be sent to the public agency.

HISTORY

1. Amendment filed 8-20-74; effective thirtieth day thereafter (Register 74, No. 34).

§ 215. Flood Plain Regulations.

The Department or Board shall review the flood plain regulations established by the public agency to determine if they meet the provisions of the act.

(a) When the Department or Board determines that the established flood plain regulations meet the provision of the act, the public agency will be notified by letter.

(b) When the Department or Board determines that the established regulations do not meet the provisions of the act, the local agency shall within 180 days of receipt of notice from the Department or Board adopt new flood plain regulations and send a copy thereof to the Department or Board.

(c) If the public agency fails to adopt flood plain regulations pursuant to Sections 213 and 214 above, or if the flood plain regulations do not meet the provisions of the act and the public agency fails to adopt new flood plain regulations within 180 days of receipt of the Department's or Board's notice or fails to adopt or modify such regulations as recommended by the Department or Board within 90 days of receipt of a second notice, the Department or Board shall request the flood control agency having jurisdiction over the project to adopt flood plain regulations to meet the provisions of the act. The flood control agency must then adopt satisfactory flood plain regulations within two years of the date of the final letter (Section 213(b)) to the public agency or within 180 days after it is first empowered by Section 8414 of the act to adopt such regulations, as a condition for state financial grants for costs of lands, easements and rights-of-way.

HISTORY

1. Repealer and new section filed 8-20-74; effective thirtieth day thereafter (Register 74, No. 34).

§ 216. Notification of Noncompliance.

When the appropriate public agency fails to establish the necessary flood plain regulations within the times prescribed in the act, the Department or Board shall notify the public agency by letter that it did not comply with the provisions of the act.

NOTE: Authority cited: Section 8400 et seq., Water Code.

HISTORY

1. New section filed 8-20-74; effective thirtieth day thereafter (Register 74, No. 34).

Article 3. Types of Regulations

§ 220. General.

Flood plain regulations established by a public agency pursuant to Water Code Section 8411 need be applied only to the designated floodway. Such regulations may take various forms so long as they accomplish the purposes intended by the act. Exemplary, not exclusive, acceptable regulations are the following:

- (a) Flood plain zoning ordinances.
- (b) Grading or setback ordinances.
- (c) Ordinances controlling subdivision development.
- (d) Ownership in the public agency of necessary flood control rights-of-way encompassing the designated floodway.

HISTORY

1. Amendment filed 8-20-74; effective thirtieth day thereafter (Register 74, No. 34).

§ 221. Designated Floodway Regulations.

Since the flood hazard in the designated floodway is usually very great due to the greater depth and higher velocity of floodflows, permitted uses should be carefully considered.

- (a) Uses may include those open space uses which require no structures, landfill, or stream channel alteration, constituting a threat to life or significantly affecting the carrying capacity of the floodway.
- (b) Permitted uses may include crop farming, truck gardening, livestock grazing, and similar agricultural or recreational uses.
- (c) Uses may be restricted on an interim basis prior to project construction so long as permanent regulations are adopted within one year after being advised that necessary regulations must be established.
- (d) Use regulation must provide that no buildings or structures shall be constructed, altered, moved within or into the designated floodway, which will endanger life or significantly restrict the carrying capacity of the floodway.

HISTORY

1. Amendment of subsection (c) filed 8-20-74; effective thirtieth day thereafter (Register 74, No. 34).

§ 222. Restrictive Zone Regulations.

HISTORY

1. Order of Repeal filed 6-3-85 by OAL pursuant to Government Code Section 11349.7; effective thirtieth day thereafter (Register 85, N. 26).

Article 4. Review of Proposed Regulations

§ 230. Types of Review.

A public agency may, pursuant to Water Code Section 8403, request that the Department or Board review its proposed flood plain management regulations. Regulations prepared as a condition to receiving state financial assistance, pursuant to Water Code Section 8411, must be submitted to and approved by the Department or Board.

§ 231. Priority.

Priority of review will be given to review of those regulations prepared to satisfy the statutory requirement for receiving state financial assistance in connection with federal projects.

§ 232. Mandatory Review.

Proposed regulations prepared pursuant to Water Code Section 8411 should define the area to be regulated. These regulations, accompanied by any other data reasonably required for complete review, must be submitted to the Department or Board for approval.

HISTORY

1. Amendment filed 8-20-74; effective thirtieth day thereafter (Register 74, No. 34).

§ 233. Voluntary Review.

Flood Plain Management regulations submitted for state review pursuant to Water Code Section 8403 must be accompanied by all of the sup-

porting data upon which such regulations are based. These data shall include necessary hydrologic studies, flood routings, maps, and surveys adequate to properly delineate flood plain categories. The review of proposed regulations submitted by local agencies under this section will include a study of the local agency's selected flood.

HISTORY

1. Amendment filed 8-20-74; effective thirtieth day thereafter (Register 74, No. 34).

Article 5. Studies to Support Regulations

§ 240. Responsibility.

Public agencies shall be responsible for (1) the acquisition of all hydrologic data, including development of flood routing information, (2) the conduct of land surveys to properly delineate flood plain categories, and (3) the acquisition or development of any other materials or studies, necessary to promulgate and legally support valid flood plain land use regulations.

HISTORY

1. Amendment filed 4-13-73; effective thirtieth day thereafter (Register 73, No. 15).
2. Amendment filed 8-20-74; effective thirtieth day thereafter (Register 74, No. 34).

§ 241. Studies by the Department or Board.

(a) The Department or Board may conduct the activities required by Section 240 if so requested by a public agency.

(b) In conducting such activities, the Department or Board will be guided by the criteria of the public agency, if the criteria is reasonable under the circumstances and generally consistent with accepted practice.

(c) The costs of conducting such activities shall be borne by the local agency making the request.

HISTORY

1. Amendment of subsections (a) and (b) filed 8-20-74; effective thirtieth day thereafter (Register 74, No. 34).

§ 242. Application for Study.

HISTORY

1. Order of Repeal filed 6-3-85 by OAL pursuant to Government Code Section 11349.7; effective thirtieth day thereafter (Register 85, No. 26).

